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1 A bill to be entitled

2 An act relating to charter schools; creating s. 1002.335,
3 F.S.; providing findings and intent; establishing the
4 Florida Schools of Excellence Commission as a charter
5 school authorizing entity; providing for startup funds;
6 providing for membership of the commission; providing
7 powers and duties of the commission, including serving as
8 a sponsor of charter schools, approving certain entities
9 to act as cosponsors, approving or denying applications
10 for Florida Schools of Excellence (FSE) charter schools,
11 and developing standards for and evaluating the
12 performance of charter schools; requiring collaboration
13 with municipalities, state universities, community
14 colleges, and regional educational consortia as cosponsors
15 for FSE charter schools; providing requirements for
16 approval of cosponsors by the commission; providing
17 components of required cosponsor agreements; providing
18 causes for revocation of approval of a cosponsor;
19 providing for FSE charter school application and review
20 procedures; authorizing existing charter schools to apply
21 as FSE charter schools; providing for application of
22 specified provisions of law; requiring access to
23 information by parents; requiring the commission to submit
24 an annual report; requiring rulemaking; amending s.
25 1002.33, F.S.; providing requirements with respect to the
26 right to appeal a charter school application denial;
27 revising provisions relating to reporting of charter
28 school student enrollment for purposes of funding;
29 revising requirements relating to charter school

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30 facilities created to mitigate a certain educational
31 impact; providing an effective date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 1002.335, Florida Statutes, is created
36 to read:

37 1002.335 Florida Schools of Excellence Commission.--

38 (1) FINDINGS.--The Legislature finds that:

39 (a) Charter schools are a critical component in the state's
40 efforts to provide efficient and high-quality schools within the
41 state's uniform system of public education.

42 (b) Charter schools provide valuable educational options
43 and innovative learning opportunities while expanding the
44 capacity of the state's system of public education and empowering
45 parents with the ability to make choices that best fit the
46 individual needs of their children.

47 (c) The growth of charter schools in the state has
48 contributed to enhanced student performance, greater efficiency,
49 and the improvement of all public schools.

50 (d) The greatest challenges to the continued development
51 and success of uniform, high-quality charter schools are
52 administrative issues, accountability issues, and a lack of
53 sufficient communication and support from sponsors.

54 (2) INTENT.--It is the intent of the Legislature that:

55 (a) There be established an independent, state-level
56 commission whose primary focus is the development and support of
57 charter schools in order to better meet the growing and diverse
58 needs of some of the increasing number and array of charter

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59 schools in the state and to further ensure that charter schools
60 of the highest academic quality are approved and supported
61 throughout the state in an efficient manner.

62 (b) New sources of community support in the form of
63 municipalities with knowledge of the unique needs of a particular
64 community or state universities, community colleges, or regional
65 educational consortia with special education expertise should be
66 authorized to participate in developing and supporting charter
67 schools that maximize access to a wide variety of high-quality
68 educational options for all students regardless of disability,
69 race, or socioeconomic status.

70 (3) FLORIDA SCHOOLS OF EXCELLENCE COMMISSION.--

71 (a) The Florida Schools of Excellence Commission is
72 established as an independent, state-level charter school
73 authorizing entity working in collaboration with the Department
74 of Education and under the supervision of the State Board of
75 Education. Startup funds necessary to establish and operate the
76 commission may be received through private contributions and
77 federal and other institutional grants through the Grants and
78 Donations Trust Fund and the Educational Aids Trust Fund housed
79 within the department in addition to funds provided in the
80 General Appropriations Act. The department shall assist in
81 securing federal and other institutional grant funds to establish
82 the commission.

83 (b) The commission shall be appointed by the State Board of
84 Education and shall be composed of three appointees recommended
85 by the Governor, two appointees recommended by the President of
86 the Senate, and two appointees recommended by the Speaker of the
87 House of Representatives. The Governor, the President of the

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Senate, and the Speaker of the House of Representatives shall each recommend a list of no fewer than two nominees for any appointment to the commission. The appointments shall be made as soon as feasible but no later than September 1, 2006. Each member shall serve a term of 2 years; however, for the purpose of providing staggered terms, of the initial appointments, three members shall be appointed to 1-year terms and four members shall be appointed to 2-year terms. Thereafter, each appointee shall serve a 2-year term unless the State Board of Education, after review, extends the appointment. If a vacancy occurs on the commission, it shall be filled by the State Board of Education from a recommendation by the appropriate authority according to the procedure set forth in this paragraph. The members of the commission shall annually vote to appoint a chair and a vice chair.

(c) The commission is encouraged to convene its first meeting no later than October 1, 2006, and, thereafter, shall meet each month at the call of the chair or upon the request of four members of the commission. Four members of the commission shall constitute a quorum.

(d) The commission shall appoint an executive director who shall employ such staff as is necessary to perform the administrative duties and responsibilities of the commission.

(e) The members of the commission shall not be compensated for their services on the commission but may be reimbursed for per diem and travel expenses pursuant to s. 112.061.

(4) POWERS AND DUTIES.--

(a) The commission shall have the power to:

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116 1. Authorize and act as a sponsor of charter schools,
117 including the approval or denial of charter school applications
118 pursuant to subsection (8) and the nonrenewal or termination of
119 charter schools pursuant to s. 1002.33(8).

120 2. Authorize municipalities, state universities, community
121 colleges, and regional educational consortia to act as cosponsors
122 of charter schools, including the approval or denial of cosponsor
123 applications pursuant to State Board of Education rule and
124 subsection (5) and the revocation of approval of cosponsors
125 pursuant to State Board of Education rule and subsection (7).

126 3. Approve or deny Florida Schools of Excellence (FSE)
127 charter school applications and renew or terminate charters of
128 FSE charter schools.

129 (b) The commission shall have the following duties:

130 1. Review charter school applications and assist in the
131 establishment of Florida Schools of Excellence (FSE) charter
132 schools throughout the state. An FSE charter school shall exist
133 as a public school within the state as a component of the
134 delivery of public education within Florida's K-20 education
135 system.

136 2. Develop, promote, and disseminate best practices for
137 charter schools and charter school sponsors in order to ensure
138 that high-quality charter schools are developed and incentivized.
139 At a minimum, the best practices shall encourage the development
140 and replication of academically and financially proven charter
141 school programs.

142 3. Develop, promote, and require high standards of
143 accountability for any school that applies and is granted a
144 charter under this section.

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145 4. Monitor and annually review and evaluate the performance
146 of the charter schools it sponsors and hold the schools
147 accountable for their performance.

148 5. Report the student enrollment in each of its sponsored
149 charter schools to the district school board of the county in
150 which the school is located.

151 6. Work with its cosponsors to monitor the financial
152 management of each FSE charter school.

153 7. Direct charter schools and persons seeking to establish
154 charter schools to sources of private funding and support.

155 8. Actively seek, with the assistance of the department,
156 supplemental revenue from federal grant funds, institutional
157 grant funds, and philanthropic organizations. The commission may,
158 through the department's Grants and Donations Trust Fund, receive
159 and expend gifts, grants, and donations of any kind from any
160 public or private entity to carry out the purposes of this
161 section.

162 9. Review and recommend to the Legislature any necessary
163 revisions to statutory requirements regarding the qualification
164 and approval of municipalities, state universities, community
165 colleges, and regional educational consortia as cosponsors for
166 FSE charter schools.

167 10. Review and recommend to the Legislature any necessary
168 revisions to statutory requirements regarding the standards for
169 accountability and criteria for revocation of approval of
170 cosponsors of FSE charter schools.

171 11. Assist its cosponsors and FSE charter schools in
172 cooperating with district school boards to allow the charter
173 schools to utilize unused space within district public schools.

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174 12. Collaborate with municipalities, state universities,
175 community colleges, and regional educational consortia as
176 cosponsors for FSE charter schools for the purpose of providing
177 the highest level of public education to low-income, low-
178 performing, and underserved student populations. Such
179 collaborations shall:

180 a. Allow state universities and community colleges that
181 cosponsor FSE charter schools to enable students attending a
182 charter school to take college courses and receive high school
183 and college credit for such courses.

184 b. Be used to determine the feasibility of opening charter
185 schools for children with autism that work with and utilize the
186 specialized expertise of the Centers for Autism and Related
187 Disabilities established and operated pursuant to s. 1004.55.

188 13. Support municipalities when the mayor or chief
189 executive, through resolution passed by the governing body of the
190 municipality, expresses an intent to cosponsor and establish
191 charter schools within the municipal boundaries.

192 14. Meet the needs of charter schools and school districts
193 by uniformly administering high-quality charter schools, thereby
194 removing administrative burdens from the school districts.

195 15. Work with school districts to assist them in
196 effectively providing administrative services to their charter
197 schools.

198 16. Perform all of the duties of sponsors set forth in s.
199 1002.33(5)(b) and (20).

200 (5) APPROVAL OF COSPONSORS.--

201 (a) The commission shall begin accepting applications by
202 municipalities, state universities, community colleges, and

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203 regional educational consortia no later than January 31, 2007.
204 The commission shall have 90 days from receipt of an application
205 under this paragraph to approve or deny the application unless
206 the 90-day period is waived by the applicant.

207 (b) The commission shall limit the number of charter
208 schools that a cosponsor may approve pursuant to its review of
209 the cosponsor's application under paragraph (c). Upon application
210 by the cosponsor and review by the commission of the performance
211 of a cosponsor's current charter schools, the commission may
212 approve a cosponsor's application to raise the limit previously
213 set by the commission.

214 (c) Any entity set forth in paragraph (a) that is
215 interested in becoming a cosponsor pursuant to this section shall
216 prepare and submit an application to the commission that provides
217 evidence that the entity:

218 1. Has the necessary staff and infrastructure or has
219 established the necessary contractual or interagency
220 relationships to ensure its ability to handle all of the
221 administrative responsibilities required of a charter school
222 sponsor as set forth in s. 1002.33(20).

223 2. Has the necessary staff expertise and infrastructure or
224 has established the necessary contractual or interagency
225 relationships to ensure that it will approve and is able to
226 develop and maintain charter schools of the highest academic
227 quality.

228 3. Has and is committed to providing and pursuing the
229 necessary public and private financial resources and staff to
230 ensure that it can monitor and support charter schools that are
231 economically efficient and fiscally sound.

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232 4. Is committed to providing equal access to all students
233 and to maintaining a diverse student population within its
234 charter schools.

235 5. Is committed to focusing on low-income, low-performing,
236 and underserved student populations.

237 6. Has articulated annual goals and expected outcomes for
238 its charter schools as well as the methods and plans by which it
239 will achieve those goals and outcomes.

240 7. Has policies in place to protect its cosponsoring
241 practices from conflicts of interest.

242 (d) The commission's decision to deny an application or to
243 revoke approval of a cosponsor pursuant to subsection (7) is not
244 subject to chapter 120 and may be appealed to the State Board of
245 Education pursuant to s. 1002.33(6).

246 (6) COSPONSOR AGREEMENT.--

247 (a) Upon approval of a cosponsor, the commission and the
248 cosponsor shall enter into an agreement that defines the
249 cosponsor's rights and obligations and includes the following:

250 1. An explanation of the personnel, contractual and
251 interagency relationships, and potential revenue sources
252 referenced in the application as required in paragraph (5)(c).

253 2. Incorporation of the requirements of equal access for
254 all students, including any plans to provide transportation
255 reasonably necessary to provide access to as many students as
256 possible.

257 3. Incorporation of the requirement to focus on low-income,
258 low-performing, and underserved student populations.

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259 4. An explanation of the goals and expected outcomes for
260 the cosponsor's charter schools and the method and plans by which
261 they will be achieved as referenced in the application.

262 5. The conflict-of-interest policies referenced in the
263 application.

264 6. An explanation of the disposition of facilities and
265 assets upon termination and dissolution of a charter school
266 approved by the cosponsor.

267 7. A provision requiring the cosponsor to annually appear
268 before the commission and provide a report as to the information
269 provided pursuant to s. 1002.33(9)(1) for each of its charter
270 schools.

271 8. A provision requiring that the cosponsor report the
272 student enrollment in each of its sponsored charter schools to
273 the district school board of the county in which the school is
274 located.

275 9. A provision requiring that the cosponsor work with the
276 commission to provide the necessary reports to the State Board of
277 Education.

278 10. Any other reasonable terms deemed appropriate by the
279 commission given the unique characteristics of the cosponsor.

280 (b) No cosponsor may receive applications for charter
281 schools until a cosponsor agreement with the commission has been
282 approved and signed by the commission and the appropriate
283 individuals or governing bodies of the cosponsor.

284 (c) The cosponsor agreement shall be proposed and
285 negotiated pursuant to the timeframes set forth in s.
286 1002.33(6)(i).

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287 (d) The cosponsor agreement shall be attached to and shall
288 govern all charter school contracts entered into by the
289 cosponsor.

290 (7) CAUSES FOR REVOCATION OF APPROVAL OF A COSPONSOR.--If
291 at any time the commission finds that a cosponsor is not in
292 compliance, or is no longer willing to comply, with its contract
293 with a charter school or with its cosponsor agreement with the
294 commission, the commission shall provide notice and a hearing in
295 accordance with State Board of Education rule. If after a hearing
296 the commission confirms its initial finding, the commission shall
297 revoke the cosponsor's approval. The commission may assume
298 sponsorship over any charter school sponsored by the cosponsor at
299 the time of revocation. Thereafter, the commission may assume
300 permanent sponsorship over such school or may direct the school's
301 governing body to apply to another cosponsor or to the
302 appropriate district school board for sponsorship.

303 (8) CHARTER SCHOOL APPLICATION AND REVIEW.--Charter school
304 applications submitted to the commission or to a cosponsor
305 approved by the commission pursuant to subsection (5) shall be
306 subject to the same requirements set forth in s. 1002.33(6). The
307 commission or cosponsor shall receive and review all applications
308 for FSE charter schools according to the provisions of s.
309 1002.33(6)(b). All references to a district school board in s.
310 1002.33(6)(b) shall refer to the commission or its cosponsors
311 that receive applications for review.

312 (9) APPLICATIONS OF EXISTING CHARTER SCHOOLS.--

313 (a) An application may be submitted pursuant to this
314 section by an existing charter school approved by a district
315 school board provided that the obligations of its charter

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316 contract with the district school board will expire prior to
317 entering into a new charter contract with the commission or one
318 of its cosponsors. A district school board may agree to rescind
319 or waive the obligations of a current charter contract to allow
320 an application to be submitted by an existing charter school
321 pursuant to this section. A charter school that changes sponsors
322 pursuant to this subsection shall be allowed to continue the use
323 of all facilities, equipment, and other assets it owned or leased
324 prior to the expiration or rescission of its contract with a
325 district school board sponsor.

326 (b) An application to the commission or one of its
327 cosponsors by a conversion charter school may only be submitted
328 upon consent of the district school board. In such instance, the
329 district school board may retain the facilities, equipment, and
330 other assets of the conversion charter school for its own use or
331 agree to reasonable terms for their continued use by the
332 conversion charter school.

333 (10) APPLICATION OF CHARTER SCHOOL STATUTE.--The provisions
334 of s. 1002.33(7)-(12), (14), and (16)-(19) shall apply to the
335 commission, cosponsors, and charter schools approved pursuant to
336 this section.

337 (11) ACCESS TO INFORMATION.--The commission shall provide
338 maximum access to information to all parents in the state. It
339 shall maintain information systems, including, but not limited
340 to, a user-friendly Internet website, that will provide
341 information and data necessary for parents to make informed
342 decisions. At a minimum, the commission must provide parents with
343 information on its accountability standards, links to schools of

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344 excellence throughout the state, and public education programs
345 available in the state.

346 (12) ANNUAL REPORT.--Each year, the chair of the commission
347 shall appear before the State Board of Education and submit a
348 report regarding the academic performance and fiscal
349 responsibility of all charter schools and cosponsors approved
350 under this section.

351 (13) IMPLEMENTATION.--The State Board of Education shall
352 adopt rules pursuant to ss. 120.536(1) and 120.54 necessary to
353 facilitate the implementation of this section.

354 Section 2. Paragraphs (d), (e), (f), (g), and (h) of
355 subsection (6) of section 1002.33, Florida Statutes, are
356 redesignated as paragraphs (e), (f), (g), (h), and (i),
357 respectively, a new paragraph (d) is added to that subsection,
358 and paragraph (a) of subsection (17) and paragraph (f) of
359 subsection (18) of that section are amended, to read:

360 1002.33 Charter schools.--

361 (6) APPLICATION PROCESS AND REVIEW.--Beginning September 1,
362 2003, applications are subject to the following requirements:

363 (d) The right to appeal an application denial under
364 paragraph (c) shall be contingent on the applicant having
365 submitted the same or a substantially similar application to the
366 Florida Schools of Excellence Commission or one of its
367 cosponsors. Any such applicant whose application is denied by the
368 commission or one of its cosponsors subsequent to its denial by
369 the district school board may exercise its right to appeal the
370 district school board's denial under paragraph (c) within 30 days
371 after receipt of the commission's or cosponsor's denial or
372 failure to act on the application. However, the applicant

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forfeits its right to appeal under paragraph (c) if it fails to submit its application to the commission or one of its cosponsors by August 1 of the school year immediately following the district school board's denial of the application.

(17) FUNDING.--Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(a) Each charter school shall report its student enrollment to the sponsor ~~district school board~~ as required in s. 1011.62, and in accordance with the definitions in s. 1011.61. The sponsor ~~district school board~~ shall include each charter school's enrollment in the district's report of student enrollment. All charter schools submitting student record information required by the Department of Education shall comply with the Department of Education's guidelines for electronic data formats for such data, and all districts shall accept electronic data that complies with the Department of Education's electronic format.

(18) FACILITIES.--

(f) To the extent that charter school facilities are specifically created to mitigate the educational impact created by the development of new residential dwelling units, pursuant to subparagraph (2)(c)4., some of or all of the educational impact fees required to be paid in connection with the new residential dwelling units may be designated instead for the construction of the charter school facilities that will mitigate the student station impact. Such facilities shall be built to the State Requirements for Educational Facilities and shall be owned by a

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402 public or nonprofit entity. The sponsor ~~local school district~~
403 retains the right to monitor and inspect such facilities to
404 ensure compliance with the State Requirements for Educational
405 Facilities. If a facility ceases to be used for public
406 educational purposes, either the facility shall revert to the
407 sponsor ~~school district~~ subject to any debt owed on the facility,
408 or the owner of the facility shall have the option to refund all
409 educational impact fees utilized for the facility to the sponsor
410 ~~school district~~. The district and the owner of the facility may
411 contractually agree to another arrangement for the facilities if
412 the facilities cease to be used for educational purposes. The
413 owner of property planned or approved for new residential
414 dwelling units and the entity levying educational impact fees
415 shall enter into an agreement that designates the educational
416 impact fees that will be allocated for the charter school student
417 stations and that ensures the timely construction of the charter
418 school student stations concurrent with the expected occupancy of
419 the residential units. The application for use of educational
420 impact fees shall include an approved charter school application.
421 To assist the school district in forecasting student station
422 needs, the entity levying the impact fees shall notify the
423 affected district of any agreements it has approved for the
424 purpose of mitigating student station impact from the new
425 residential dwelling units.

426 Section 3. This act shall take effect July 1, 2006.